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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,060	01/22/2008	Joel Fournier	026032-5007	3681
22428 7590 06/09/2010 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
SMITH, RICHARD A				
ART UNIT		PAPER NUMBER		
2841				
MAIL DATE		DELIVERY MODE		
06/09/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/565,060

**Applicant(s)**

FOURNIER, JOEL

**Examiner**

R. Alexander Smith

**Art Unit**

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 7, 11, 12, 14, 15, 20, 21, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 8-10, 13, 16-19, 22 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20060117.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

The examiner cannot find "46" in figures 1 and 4 addressed in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification, including the abstract, is objected to because of the following informalities: The use of the word "photophore" is objected to for the reasons as noted in the 112 first paragraph rejection below.

***Claim Objections***

3. Claims 14-22 are objected to because of the following informalities:

Claim 14: It appears to the examiner that "the first part" in line 8 and "the second part" in lines 10 and 11 should be switched in order to be consistent with the specification and the figures.

Claim 15: "at least two pins" and "an electrical contact" in line 2 do not properly refer to their antecedents introduced in claim 7. Furthermore, the limitations in the first two lines appear to already be disclosed in claim 7.

Claim 16:

(a) "a first bushing" and "a second bushing" do not properly refer to their antecedent of "bushings".

(b) "a first pin", "a second conducting track" in line 2, "a second pin", and "a second conducting track" in line 3 do not properly refer to their antecedents.

(c) It appears to the examiner that one of the second conducting tracks should be the first conducting track because as currently claimed both pins are insulated from the second conducting track.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 6-22 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "a needle having luminescent lighting" or "a luminescent substance", does not reasonably provide enablement for "a photophore substance." The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

In claims 6 and 14: "photophore" by the broadest definition found online by the examiner is defined as "*n. A light-producing organ found especially in marine fishes that emits light from specialized structures or derives light from symbiotic luminescent bacteria.*" Since the specification is drawn to mechanical details of the electrical connections between the needle and the electrical source and not to how such a photophore substance is created, applied, or made possible on a needle then it appears to the examiner that "a photophore substance" is not enabled.

**For the purpose of this examination, the examiner is treating "a photophore substance" as --a luminescent substance--."**

The above definition of photophore is provided by The American Heritage® Dictionary of the English Language, Fourth Edition. Copyright © 2009 by Houghton Mifflin Company. Published by Houghton Mifflin Company. All rights reserved.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 7, 11, 12, 14, 15, 20, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0805340 to Sybrichs et al. in view of US 5,797,345 to Evans, II et al. and US 6,653,567 to Ritter et al.

Sybrichs et al. discloses an onboard indicator with luminous needle, wherein the indicator is mounted on a dashboard electronic card, the needle comprising:

In claim 6, an arm (18) rotatable with a light source (17), the dashboard electronic card (11) configured to provide an energizing source for the light source, the light source comprising a support composed of flexible material (14) having a first part and second part;

wherein the first part (17) is configured to be subjected to an electric voltage from the energizing source, and wherein the first part is linked electrically by a flexible link formed by the second part (14) of the flexible support and wherein the second part serves as substrate for at least two conducting tracks (since there are two pins).

In claim 7, wherein the second part of the flexible support is attached to at least two pins (15 and 16) configured to be fitted into an electrical contact, wherein the electrical contact is attached to the dashboard electronic card (as shown in figure 11), and wherein each pin is configured to be in contact with one of the at least two conducting tracks.

In claims 11 and 20, wherein the light source is configured to rotate with the luminous needle,

Sybrichs et al. does not teach

In claim 6, the electronic card is a dashboard electronic card, the first part being covered with a photophore substance and a clear teaching of two tracks.

In claims 11 and 20, wherein the conducting tracks are configured to at least partially surround the light source so as to remain in electrical contact with the light source while the needle is rotating.

In claims 12 and 21, wherein the conducting tracks are configured in parallel with respect to each other, and wherein the conducting tracks are configured to link to either side of the needle so as to energize the light source and to enable the needle to extend without interruption up to its free end.

In claim 15, wherein each pin is configured to be in electrical contact with one of the at least two conducting tracks.

In claim 14, in addition to the above, a vehicle dashboard with a dashboard electronic card and said indicator.

The method steps of claims 23 and 24.

Evans, II et al. discloses an illuminated pointer which includes a first part (306) covered with a luminescent substance (via the lamination in column 2 lines 57-67) and clearly shows two tracks (314 and 316) for the two contacts (220 and 222) wherein each contact is configured to be in electrical contact with one of the at least two tracks. The EL having the advantages of low power requirements and low mass (column 3 lines 1-7), plus the advantages of being a flexible film to take a pointer's shape, even illumination across the needle, etc. Evans, II et al. also discloses conducting tracks are configured to at least partially surround the light source so as to remain in electrical contact with the light source while the needle is rotating (at the base of 306 shown in figure 2) and discloses conducting tracks configured to link to either side of the needle so as to energize the lights source (since the claim is a comprising claim then "either side" is met by both sides) so as to energize the light source and to allow the needle to extend without interruption up to its free end.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the LED, taught by Sybrichs et al., with a first part having a luminescent substance, to provide the two tracks with each track in contact with a pin, to at least partially surround the light source and to link to either side, as suggested by the teachings of Evans, II et al., in order to reduce the power requirements and the mass, and to get power to the luminescent substance, as taught by Evans, II et al.

With respect to claims 12 and 21 regarding the parallel tracks: It is very well known to use parallel tracks on a flexible link. Therefore, it would have been obvious to one of ordinary



skill in the art at the time of the invention to make the tracks parallel in order to provide the shortest route between the ends of the flexible link, to avoid potential short circuiting and insulation problems.

With respect to claim 6 and claim 14 and the dashboard electronic card and the vehicle dashboard: Ritter et al. discloses that it is known to use an electronic card (9) with electronic components thereon including indicators (11 with 12) and that such is in the form of a console for a vehicle dashboard. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the onboard indicator as a dashboard indicator and to have vehicle dashboard with said dashboard indicator and said electronic card, as suggested by the teachings of Ritter et al., in order to increase sales since vehicles employ a high volume of indicators.

With respect to claims 23 and 24: These method steps will be met during the normal operation of the dashboard indicator disclosed by Sybrichs et al. as modified by Evans, II et al. and Ritter et al.

***Allowable Subject Matter***

8. Claims 8-10, 13 and 22 would be allowable if rewritten to overcome the rejection(s) for claim 6 under 35 U.S.C. 112, 1st paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 16-19 would be allowable if rewritten to overcome the rejection(s) for claim 6 under 35 U.S.C. 112, 1st paragraph, and the claim objections for claim 16 set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

10. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

11. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related indicators.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinhee Lee can be reached on 571-272-1977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R.A.Smith/

June 9, 2010

R. Alexander Smith  
Primary Examiner, Art Unit 2841